



Greater Hartford Legal Aid

To: Committee on Housing
From: David A. Pels
Re: Raised Bill No. 5373

I urge the Committee on Housing to reject Raised Bill No. 5373 because it would radically undermine the rights of tens of thousands of Connecticut tenants. This bill would limit residence to tenants with written leases or dependents of those tenants.

In the 35 years that I have been representing tenants, I have found that about half of my clients in private housing have no current written lease. Although oral leases have been recognized as legal and binding by the courts for centuries, this bill would turn such tenants into "guests" who presumably would be subject to lockout or arrest upon the whim of the landlord. Landlords are not required to offer written leases and there are many reasons why landlords don't offer written leases to tenants. Landlords may want to keep the relationship as simple as possible or they may want to preserve their right to end the tenancy at the end of any month.

Persons with oral leases are recognized as tenants under the landlord-tenant statutes in Title 47a and they are subject to all of the rights and responsibilities set forth in those statutes. By converting tenants with oral leases to "guests", the bill would create a class of persons who had neither rights nor responsibilities. Connecticut law broadly defines both "landlord" and "tenant" in Conn. Gen. Stat. §47a-1 in order to bring most parties involved in residential housing relationships within the scope of the statutes. This bill would undermine the intent of the legislature to balance the rights of landlords and tenants.

Converting tenants with oral leases to "guests" would also create enormous problems for law enforcement. Lockouts are a crime under Conn. Gen. Stat. §53a-214 and the statute applies to the current definition of "tenant" under Conn. Gen. Stat. §47a-1. Currently tenants can establish their right to the protection of the statute by showing the police rent receipts or other indicia of residence. If adopted, the bill would undermine the intent of the lockout statute which is to keep the peace and to deter landlords from removing tenants by means other than the use of the eviction statutes. Landlords would be encouraged to engage in lockouts and the police would have to deal with the civil disturbances associated with such activity.

Raised Bill No. 5373 should be rejected.

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